

NEBRASKA



Workers' Compensation Court 67th Annual Report

Fiscal Year 2009:

July 1, 2008 through June 30, 2009



Nebraska Workers' Compensation Court

67th Annual Report

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Laureen K. Van Norman,
Presiding Judge

Michael P. Cavel,
Judge

James R. Coe,
Judge

Ronald L. Brown,
Judge

J. Michael Fitzgerald,
Judge

Michael K. High,
Judge

John R. Hoffert,
Judge

Glenn W. Morton,
Court Administrator

Barbara A. Frank,
Clerk of the Court



STATE OF NEBRASKA WORKERS' COMPENSATION COURT

STATE CAPITOL BUILDING • P.O. BOX 98908 • LINCOLN, NE 68509-8908 • (800) 599-5155 • (402) 471-6468 • <http://www.wcc.ne.gov/>

Letter of Transmittal

Lincoln, Nebraska
December 1, 2009

Honorable Michael Heavican
Chief Justice of the Nebraska Supreme Court

Honorable Dave Heineman
Governor of Nebraska

Honorable Mike Flood
Speaker of the Nebraska Legislature

Dear Sirs:

We have the privilege of submitting herewith the Sixty-Seventh Annual Report of the Nebraska Workers' Compensation Court, prepared in accordance with the provisions and requirements of Section 48-166, Revised Statutes of Nebraska.

Very truly yours,
NEBRASKA WORKERS' COMPENSATION COURT
By

Laureen K. Van Norman
Presiding Judge

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General Information

History

The Nebraska Workers' Compensation Act was first passed in 1913 and from then until 1917 the Act was administered by the several state district courts. In 1917, the Legislature created the Compensation Division in the Department of Labor and the commissioner of labor was designated compensation commissioner. The 1935 Legislature established the Workers' Compensation Court and transferred Compensation Division functions to the court. The authority and responsibilities of the court are found in Chapter 48, Article 1, of the Revised Statutes of Nebraska. By 1988, the workers' compensation bench had grown to seven judges who hear disputed cases throughout the state.

Mission

The mission of the Nebraska Workers' Compensation Court is to administer and enforce all provisions of the Nebraska Workers' Compensation Act, except those provisions that are committed to the courts of appellate jurisdiction or as otherwise provided by law.

Organization

The Nebraska Workers' Compensation Court is composed of seven judges who are initially appointed by the governor and who then remain on the bench for successive six-year terms upon approval of the electorate. Every two years one of the judges is elected as presiding judge by the judges of the court, subject to approval of the Supreme Court. Four judges are officed in the State Capitol in Lincoln and three judges are officed in the Hall of Justice in Omaha. A judge will travel to any county in the state where an accident occurred to hear a disputed case. A case is first heard by a single judge and, if appealed, the case is then heard by a review panel of three judges of the court. The review is based on the record created at the original hearing, and no new evidence may be introduced. The next level of appeal is to the Nebraska Court of Appeals and ultimately a case may go to the Nebraska Supreme Court.

For administrative purposes, the judges and staff of the court are organized into two operating divisions and seven operating sections. The adjudication division, under the direction of the presiding judge, includes the judges and the Office of the Clerk of the Court. The administration division, under the direction of the court administrator, includes the remaining six sections as identified below. The presiding judge is charged with overall responsibility for the functioning of the court, and the court administrator serves as the chief administrative officer for the court.

The ***Office of the Clerk of the Court*** receives court filings, docket cases, schedules hearings and motions, corresponds with the parties, issues opinions of the court, and provides administrative and secretarial support for the judges of the court.

The ***Business and Human Resources Section*** is responsible for the business, financial, and personnel functions of the court, and also administers the Second Injury program. Under a federal grant, the section conducts a survey of work-related injuries and illnesses and a data collection program for fatal injuries.

The ***Legal Section*** reviews settlement applications for adequacy and compliance with the law, conducts mediation conferences to facilitate informal resolution of disputes, informs injured workers, employers, and others of their rights and obligations under the law, provides legal advice to court staff, and monitors legislation for potential impact on the workers' compensation system.

The ***Coverage and Claims Section*** has responsibilities in three distinct areas. Compliance activities include enforcing insurance coverage requirements and enforcing the claims handling and reporting obligations of insurers and self insurers. Medical services activities include certifying and monitoring managed care plans, administering the independent medical examiner program, revising and maintaining schedules of medical and hospital fees, and responding to inquiries related to medical issues. Self-insurance activities include reviewing applications for self-insurance, monitoring the financial status and payroll records of self-insured employers, and collecting fees and assessments from self-insured employers.

The ***Vocational Rehabilitation Section*** is responsible for reviewing and approving proposed vocational rehabilitation plans, certifying vocational rehabilitation counselors and job placement specialists, and appointing a vocational rehabilitation counselor if the parties cannot agree on the selection. The progress of injured workers in an approved plan is monitored, and all payments from the Workers' Compensation Trust Fund for plan expenses must be approved by the section.

The ***Public Information Section*** receives and processes all reports of injury and benefit payments, manages the court's records retention schedule and business continuity plan, and responds to requests for records and information. The section also supports a toll-free information line, prepares court publications, develops educational workshops, and maintains the court's Internet web site.

The ***Information Technology Section*** is responsible for the computer network, programs, and databases of the court. The section develops and maintains the court's client/server system, develops computer programs and applications, coordinates information technology activities with vendors and other state agencies, and assists other court sections in meeting their goals through the use of technology.

Activities in Fiscal Year 2009

Legislation

LB 630 from the 2009 session of the Legislature eliminated court review of some lump sum settlements in workers' compensation cases. Previously, all such settlements required review and approval by the Nebraska Workers' Compensation Court in order to become effective and binding. LB 630, which became effective May 27, 2009, limited the required court review to the circumstances specifically listed in the bill. For those settlements no longer requiring court approval, a release must be filed with the court as specified in the bill. In addition to those settlements which must still be approved by the court under LB 630, the court continues to review other settlements that are voluntarily submitted to the court for approval.

Court Rules

Rule 68 was amended at a public hearing on September 30, 2008 to change the method by which the court's rules are adopted and amended. The change was subsequently approved by the Supreme Court and became effective October 15, 2008. Prior to the change, voting by the judges on proposed amendments to the court's rules was accomplished at the same hearing at which public testimony was received. In contrast, the rule now provides for a two stage rulemaking process in which public testimony is taken at a public hearing, followed by a later public meeting at which the voting takes place. The purpose of the change was to allow additional time, if necessary, for consideration of public input before the decision by the judges.

The court then adopted a number of amendments to its rules at a public meeting on December 18, 2008, following a public hearing on the same day. Included were changes to Rule 2 to set

forth procedures for segregating personal and financial account information from certain court records, and changes to Rule 3 and related rules to allow service of pleadings and proof of service to be made electronically. The changes to these rules were subsequently approved by the Supreme Court and became effective January 22, 2009. Also at the December 18, 2009 public meeting, changes to the court's Rule 26 were adopted to determine the Medicare Diagnostic Related Groups to be included in the Diagnostic Related Group Inpatient Hospital Fee Schedule for calendar year 2009.

Public Information

The court's records retention schedule was revised effective August 21, 2008 to establish retention and disposition schedules for electronic messages, including e-mail. The public is also now able to follow the latest court news using Twitter, a web-based social networking tool, in addition to receiving news broadcasts through RSS news readers or directly on the court's web site.

Court Technology

During FY 2009 the court converted its electronic mail and calendar applications from Lotus Notes to Microsoft Exchange (Outlook). This was part of the broader effort to standardize such applications across state government. Because the court also utilizes Lotus Notes for a number of other functions, work has begun to develop replacement applications or to procure new systems to provide similar functionality.

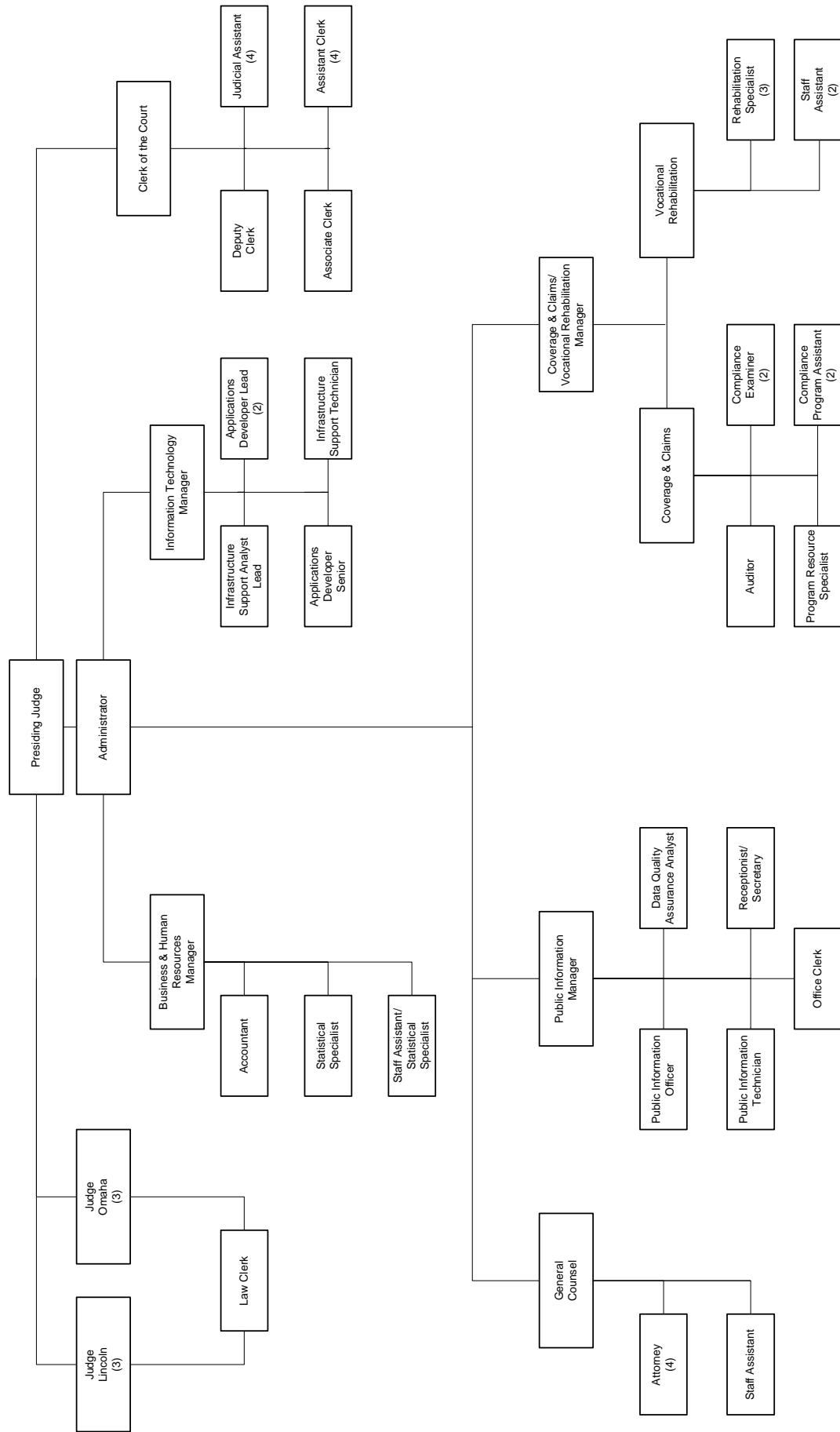
The court also continues to implement infrastructure to improve internal business processes and to support future electronic filing and processing of pleadings and other litigation documents. To this end, workflow/business process management software is being integrated with the court's case and document management systems. In addition to automating structured business processes, this software also allows for ad hoc assignment and tracking of tasks. Work also continues on an electronic filing system for settlement applications, as a first step in electronic filing of litigation documents.

Court Facilities

During FY 2009 the court continued its efforts to obtain alternative space for the judges and court staff now located on the 12th and 13th floors of the State Capitol building in Lincoln. Delays were encountered due to budget constraints being experienced by state government. The current Capitol space is inadequate in a number of important ways, including lack of security for the judges and court staff, inadequate access for the public and disabled clients, and insufficient court room space and technology.

In addition to the specific activities listed above for FY 2009, the court continues to perform other duties on a regular basis as noted above in the "Organization" section. The activities of the court in FY 2009 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2009. Additional injury statistics and statistics regarding benefit payments are available in a separate statistical report which can be accessed on the court's web site at <http://www.wcc.ne.gov/publications/statisticalreports.htm>.

NEBRASKA WORKERS' COMPENSATION COURT



REVISED
July 2009

Judges



Laureen K. Van Norman, Presiding Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3924, (800) 599-5155.

Date Appointed: July 6, 1993.

Biography: Graduate of University of Nebraska–Lincoln (B.A., social work); University of Nebraska College of Law (J.D.). Former Legal Counsel to the Nebraska Department of Labor. Nebraska State Bar Association: past Chair of Government Practice Committee; past member, Executive Board of Women and the Law Section; member, Supreme Court Gender Bias Task Force.

Judges



Michael P. Cavel, Judge

Office Address: Hall of Justice, 1701 Farnam, Omaha NE 68183-0001, phone (402) 595-3900, (800) 599-5155.

Date Appointed: October 5, 1983.

Biography: Graduate of Creighton University, Omaha, Neb. (B.A.); Creighton University School of Law (J.D.). United States Army, 1968–71; private practice, 1971–1983; Midlands Big Brother of the Year, 1988.



James R. Coe, Judge

Office Address: Hall of Justice, 1701 Farnam, Omaha NE 68183-0001, phone (402) 595-3900, (800) 599-5155.

Date Appointed: October 7, 1988.

Biography: Graduate of University of Nebraska–Lincoln (B.S. in Business Administration); University of Nebraska College of Law (J.D.). Partner of Carpenter, Rowen, Fitzgerald, and Coe, 1974–1988. Member of West Omaha (Neb.) Rotary Club; president of Dora Bingel Foundation.

Judges



Ronald L. Brown, Judge

Office Address: Hall of Justice, 1701 Farnam, Omaha NE 68183-0001, phone (402) 595-3900, (800) 599-5155.

Date Appointed: April 8, 1994.

Biography: Graduate of Dana College (B.S., cum laude); Creighton University School of Law (J.D.). Former occupations: Douglas County Assistant Public Defender, 1977–1978; Brown Law Offices, P.C., 1979–1989; Brown and Tripp, P.C., 1989–1994. Member of Nebraska State Bar Association, Nebraska Association of Trial Attorneys, Association of Trial Lawyers of America.



J. Michael Fitzgerald, Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3924, (800) 599-5155.

Date Appointed: April 12, 1996.

Biography: Graduate of University of Notre Dame (B.S. Business Administration); Georgetown University Law Center (J.D.); Creighton University (Certificate of Completion, Paramedic Training Program). Admitted to practice: Nebraska Supreme Court, United States District Court for the District of Nebraska, United States Court of Appeals for the Eighth Circuit, United States Tax Court. Employee-associate and stockholder partner: Matthews, Kelly, Cannon, and Carpenter, P.C., 1969–1977. Stockholder partner: Carpenter, Fitzgerald, and Coe, P.C., 1978–1983; Miller, Carpenter, Rowen, Fitzgerald, and Coe, P.C., 1983–1987; Carpenter, Rowen, Fitzgerald, and Coe, P.C., 1987–1988; Carpenter, Rowen, and Fitzgerald, P.C., 1988–1996. Member of Nebraska State Bar Association, American Bar Association, American Trial Lawyers Association, Nebraska Trial Lawyers Association, Omaha Bar Association.

Judges



Michael K. High, Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3923, (800) 599-5155.

Date Appointed: January 8, 1998.

Biography: Graduate of University of Nebraska—Lincoln (B.S. in Agricultural Economics (1972); M.A. in Economics (1986)); University of Nebraska College of Law (J.D., 1986). Formerly: farmer and rancher (1972–1982); elected commissioner—Gosper County, Nebraska, Board of Commissioners (1978–1982); private law practice (1986–1998).



John R. Hoffert, Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3923, (800) 599-5155.

Date Appointed: October 4, 2001

Biography: Graduate of Western Illinois University (B.A., High Honors, Political Science); University of Nebraska College of Law (J.D. with Distinction). Associate/Partner: Knudsen, Berkheimer, Richardson & Endacott, LLP (1980–2001). United States Army (1970-1972). Past member: Legal Services of Southeast Nebraska, Board of Directors; Folsom Children's Zoo and Botanical Gardens, Board of Directors; Nebraska Association of Trial Attorneys; American Judicature Society and American Trial Lawyers Association.

Compensation Court Cash Fund

Fiscal Year 2009 (July 1, 2008 to June 30, 2009)

The Compensation Court Cash Fund provides for the expense of administering the Nebraska Workers' Compensation Act and for the payment of the salaries and expenses of the personnel of the Nebraska Workers' Compensation Court. The fund was established in 1993 and replaced the use of general funds. The fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. Contributions to the fund abate for one year whenever the balance of the fund equals or exceeds three times the amount expended and encumbered in the fiscal year just ending. The Nebraska Legislature appropriates a specific sum each year for operations of the Nebraska Workers' Compensation Court, to be funded from the Compensation Court Cash Fund. The appropriation for fiscal year 2009 was \$5,521,995.

BALANCE of fund on July 01, 2008:		\$13,322,443	
Revenue:			
Assessments		11,222	
Interest		540,853	
Accounts Receivables Invoiced		(6,565)	
Due to Vendor		1,677	
Bonds Payable		(1,125)	
Sale of Surplus Property		515	
Miscellaneous Income		132,082	
Miscellaneous Adjustment		20	
Total Revenue			<u>678,679</u>
Expenditures:			
	Appropriation	Not Expended	Actual Expended
Court Administration	4,987,171	893,133	4,094,038
Federal Grant Administration	61,080	19,607	41,473
Voc. Rehab. Administration	379,984	22,114	357,870
Second Injury Administration	1,798	979	819
Self-Insurance Administration	91,962	3,375	88,587
Totals	<u>5,521,995</u>	<u>939,208</u>	<u>4,582,787</u>
Less Total Expenditures			<u>4,582,787</u>
BALANCE of fund on June 30, 2009:		<u><u>9,418,335*</u></u>	

* Does not include FY 2009 expenditures of \$41,873 paid in FY 2010.

* Does not include FY 2009 expenditures of \$41,873 paid in FY 2010.

Workers' Compensation Statistics Fund

Fiscal Year 2009 (July 1, 2008 to June 30, 2009)

The court conducts a survey of work-related injuries and illnesses and a data collection program for fatal injuries pursuant to a grant from the U.S. Department of Labor—Bureau of Labor Statistics (BLS). The Survey of Occupational Injuries and Illnesses is mandated by the Occupational Safety and Health Act of 1970 (P.L. 91-596), and the court was designated as the agency in Nebraska to conduct this work in a letter of March 25, 1971 from Governor J.J. Exon to Secretary of Labor, J.D. Hudgson. In 1991, the court contracted for the additional responsibilities of conducting the Census of Fatal Occupational Injuries as designated by BLS.

Expenses for administering these two federal grants are split 50/50 between the State of Nebraska and BLS. The state share of expenditures is charged against the Compensation Court Cash Fund, and the federal share is charged against the Workers' Compensation Statistics Fund. Federal monies are requested on a monthly basis and deposited into the Workers' Compensation Statistics Fund. The Nebraska Legislature appropriates a specific sum each year for expenditures from the Workers' Compensation Statistics Fund. The appropriation for fiscal year 2009 was \$31,512.

BALANCE of fund on July 01, 2008:				0
Revenue:				
Intergovernmental Revenue			31,512	
Total Revenue				<u>31,512</u>
Expenditures:				
	Appropriation	Not Expended	Actual Expended	
Federal Grant Admin.	31,512	0	31,512	
Totals	<u>31,512</u>	<u>0</u>	<u>31,512</u>	
Less Total Expenditures				<u>31,512</u>
BALANCE of fund on June 30, 2009:				<u><u>0</u></u>

Workers' Compensation Trust Fund

Fiscal Year 2009 (July 1, 2008 to June 30, 2009)

The Workers' Compensation Trust Fund was established July 1, 2000 as part of LB 1221 from the 2000 session of the Nebraska Legislature. The purpose of the fund is to make second injury benefit payments in accordance with section 48-128 and vocational rehabilitation benefit payments in accordance with section 48-162.01. Prior to July 1, 2000 second injury benefits were paid from the Second Injury Fund and vocational rehabilitation benefits were paid from the Vocational Rehabilitation Fund. These two funds were eliminated with the creation of the Workers' Compensation Trust Fund on July 1, 2000. The Workers' Compensation Trust Fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. Assessments are made whenever the fund is projected to go below the statutory minimum level.

BALANCE of fund on July 01, 2008:	\$6,917,686
Revenue:	
Interest	302,363
Reimbursements	0
Assessments	*(762)
Sale of Surplus Property	0
Miscellaneous Adjustment	0
Total Revenue	<u>301,601</u>
Expenditures:	
Second Injury Benefits	343,886
Voc. Rehab. Benefits	883,092
Due to Vendor	364
Less Total Expenditures	<u>1,227,342</u>
BALANCE of fund on June 30, 2009:	<u><u>\$5,991,945</u></u>

* Adjustment on assessments made in prior years. Assessments were not made in FY 2009.

***Workers' Compensation Trust Fund
(Transfers and Assessments)***

Fiscal Year Ending:	
Assessments:	
June 30, 2009	** (762)
June 30, 2008	** 1,187,171
June 30, 2007	* 4,892,612
June 30, 2006	** \$57
June 30, 2005	** \$234,526
June 30, 2004	\$5,593,038
June 30, 2003	\$0
June 30, 2002	\$0
June 30, 2001	** \$26,965
Transfers:	
July 1, 2000	*** \$6,200,991

* Includes amounts received from assessments made in FY 2007 plus an adjustment of \$14,959 on assessments made in prior years.

** Adjustment on assessments made in prior years.

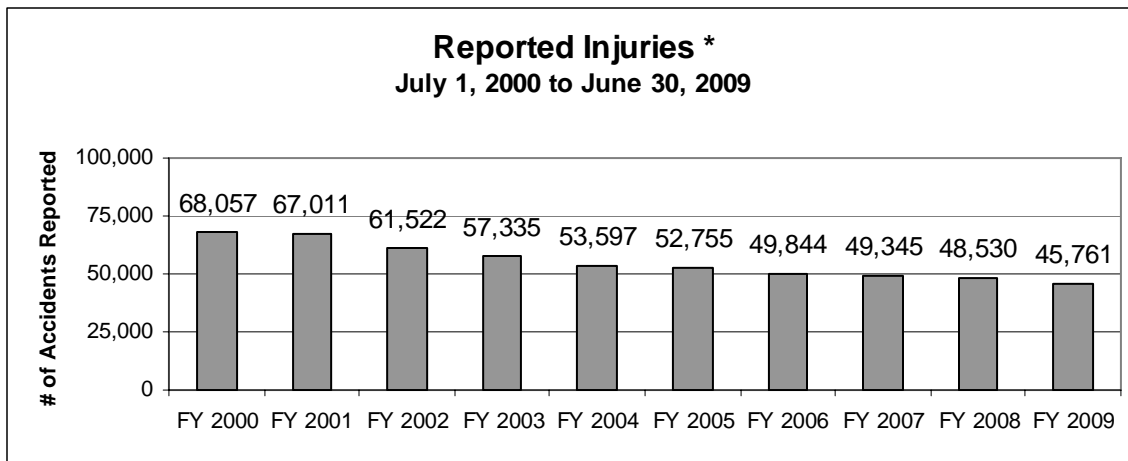
*** Beginning balance — transfers from Second Injury and Vocational Rehabilitation Funds.

***Second Injury & Vocational Rehabilitation Expenditures
(Benefit and Administrative Costs)***

Fiscal Year Ending	*Second Injury	*Vocational Rehabilitation	Total Expenditures
June 30, 2009	\$344,705	\$1,240,963	\$1,585,668
June 30, 2008	\$354,338	\$1,277,193	\$1,631,531
June 30, 2007	\$403,784	\$1,301,091	\$1,704,875
June 30, 2006	\$436,798	\$1,291,376	\$1,728,174
June 30, 2005	\$428,983	\$1,344,549	\$1,773,532
June 30, 2004	\$521,552	\$1,393,172	\$1,914,724
June 30, 2003	\$370,499	\$1,358,530	\$1,729,029
June 30, 2002	\$388,289	\$1,072,261	\$1,460,550
June 30, 2001	\$534,559	\$1,014,519	\$1,549,078
June 30, 2000	\$910,279	\$1,022,765	\$1,933,044
* Benefit costs are paid from the Workers' Compensation Trust Fund. Administrative costs are paid from the Compensation Court Cash Fund.			

Reported Injuries *

	Male	Female	Unknown	Total
July 1, 2008 to June 30, 2009	24,705	16,712	4,344	45,761
July 1, 2007 to June 30, 2008	26,184	18,308	4,038	48,530
July 1, 2006 to June 30, 2007	27,175	18,813	3,357	49,345
July 1, 2005 to June 30, 2006	28,547	18,762	2,535	49,844
July 1, 2004 to June 30, 2005	31,027	20,468	1,260	52,755
July 1, 2003 to June 30, 2004	32,131	20,711	755	53,597
July 1, 2002 to June 30, 2003	32,400	21,312	3,623	57,335
July 1, 2001 to June 30, 2002	35,008	21,503	5,011	61,522
July 1, 2000 to June 30, 2001	39,238	24,100	3,673	67,011
July 1, 1999 to June 30, 2000	41,249	24,544	2,264	68,057

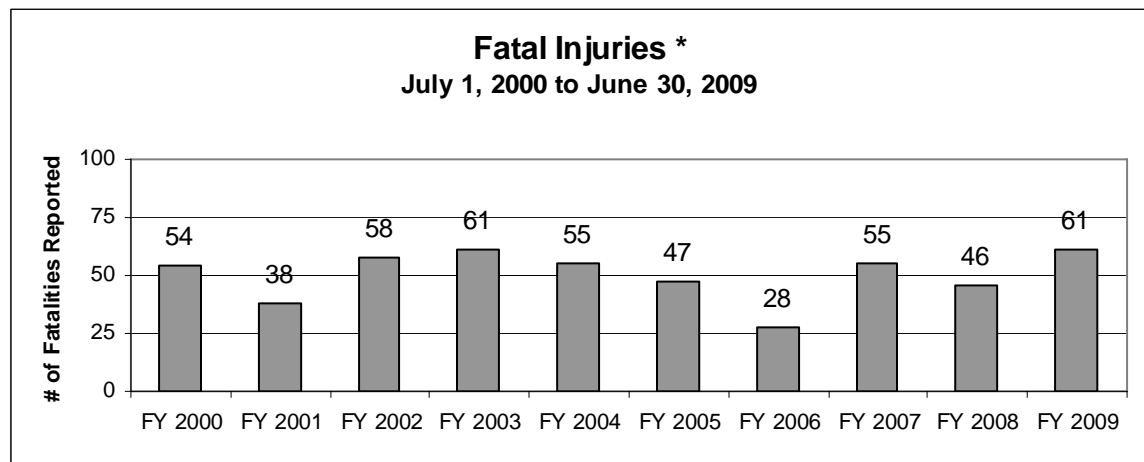


* Includes injuries reported in FY 2009 regardless of the year in which the injury occurred.

Includes injuries resulting from occupational disease.

Fatal Injuries *

	Male	Female	Total
July 1, 2008 to June 30, 2009	57	4	61
July 1, 2007 to June 30, 2008	38	8	46
July 1, 2006 to June 30, 2007	51	4	55
July 1, 2005 to June 30, 2006	24	4	28
July 1, 2004 to June 30, 2005	43	4	47
July 1, 2003 to June 30, 2004	48	7	55
July 1, 2002 to June 30, 2003	50	11	61
July 1, 2001 to June 30, 2002	53	5	58
July 1, 2000 to June 30, 2001	38	0	38
July 1, 1999 to June 30, 2000	49	5	54



* Includes fatal injuries reported in FY 2009 regardless of the year in which the injury or death occurred.
Includes deaths resulting from occupational disease.

Weekly Income Benefits and Maximum Rates

Under the Nebraska Workers' Compensation Act the basic rule regarding weekly income benefits for total disability is that the employee is entitled to two-thirds of his or her average weekly wage, subject to maximum and minimum levels. Changes in the maximum or minimum rates apply to injuries occurring on or after the effective date, but not to injuries occurring before that date.

The maximum benefit level is set at 100 percent of the state average weekly wage, as determined by the administrator Nebraska Workers' Compensation Court. The calculation excludes federal employees, and is made in accordance with section 48-121.02 of the Nebraska Revised Statutes. The administrator has determined that the state average weekly wage for calendar year 2010 will be \$691.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2010. The minimum rate remains at \$49 as provided in section 48-121.01(2).

Maximum/Minimum Compensation Benefits		
Injury Occurring Between:	Maximum	Minimum
01/01/10 to 12/31/10	\$691	\$49
01/01/09 to 12/31/09	\$671	\$49
01/01/08 to 12/31/08	\$644	\$49
01/01/07 to 12/31/07	\$617	\$49
01/01/06 to 12/31/06	\$600	\$49
01/01/05 to 12/31/05	\$579	\$49
01/01/04 to 12/31/04	\$562	\$49
01/01/03 to 12/31/03	\$542	\$49
01/01/02 to 12/31/02	\$528	\$49
01/01/01 to 12/31/01	\$508	\$49
01/01/00 to 12/31/00	\$487	\$49
01/01/99 to 12/31/99	\$468	\$49
01/01/98 to 12/31/98	\$444	\$49
01/01/97 to 12/31/97	\$427	\$49
01/01/96 to 12/31/96	\$409	\$49
01/01/95 to 12/31/95	\$350	\$49
06/01/94 to 12/31/94	\$310	\$49
07/01/91 to 05/31/94	\$265	\$49

Litigated Case Summary ¹

	Original Hearing Level		Review Hearing Level		Supreme Court/ Court of Appeals Level	
Fiscal Year ²	2009	* 2008	2009	* 2008	2009	* 2008
Cases Pending at Beginning of Fiscal Year	1,355	1,370	56	71	27	29
Petition or Appeal Filed in Fiscal Year	1,311	1,215	96	91	26	42
Reopened Petitions Filed in Fiscal Year	181	140	N/A	N/A	N/A	N/A
Remands Filed in Fiscal Year	14	26	16	27	N/A	N/A
Total Cases	2,861	2,751	168	189	53	71
Court Disposition						
Decisions Issued	298	268	73	88	35	36
Settlements	759	745	14	10	2	1
Other Dispositions ³	387	383	34	35	2	7
Total Dispositions	1,444	1,396	121	133	39	44
Total Pending at End of Fiscal Year	1,417	1,355	47	56	14	27

Fiscal Year	2009	* 2008	* 2007	* 2006	* 2005
Number of Motions Filed	2,400	2,457	2,496	2,501	2,477
Number of Motion Dispositions	1,935	2,003	2,065	2,019	2,115
Number of Motion Hearings	984	947	882	966	1,094

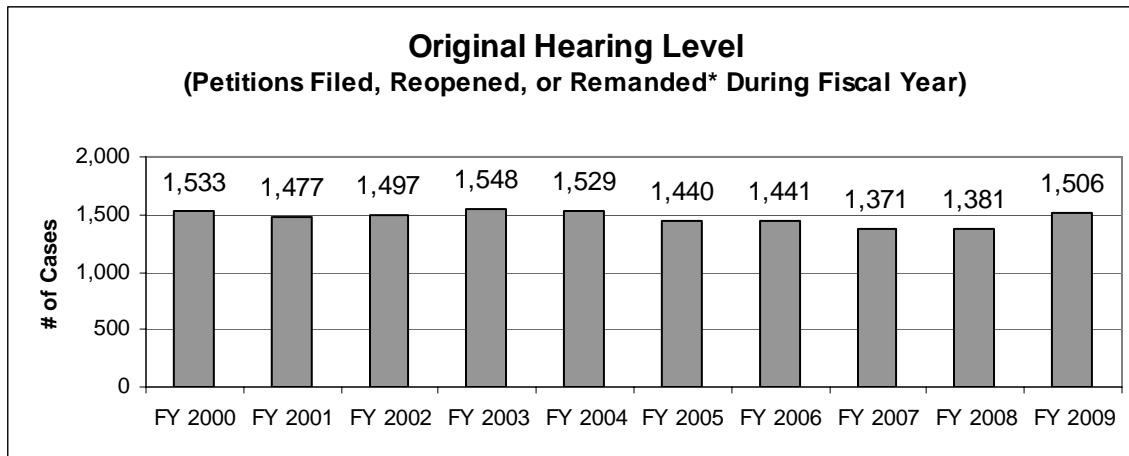
* Numbers may differ from those shown in the FY 2008 Annual Report due to corrections to data.

¹ Cases may appear more than once in any year if they are appealed.

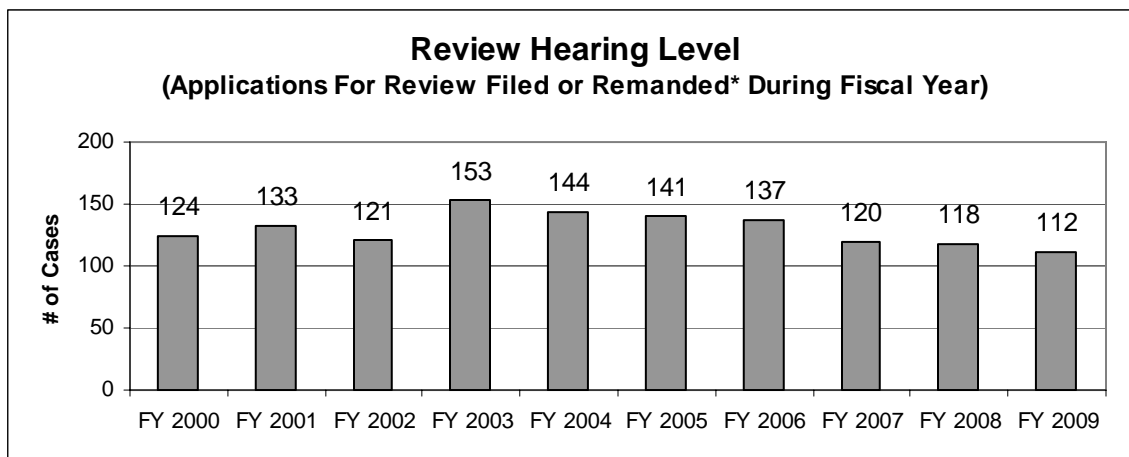
² Fiscal Years run from July 1 through June 30.

³ Dismissals without hearings, remands without hearings, and closed by Release of Liability.

Hearings and Review Hearings



* Remands included in totals beginning in FY 2008.



* Remands included in totals beginning in FY 2008.

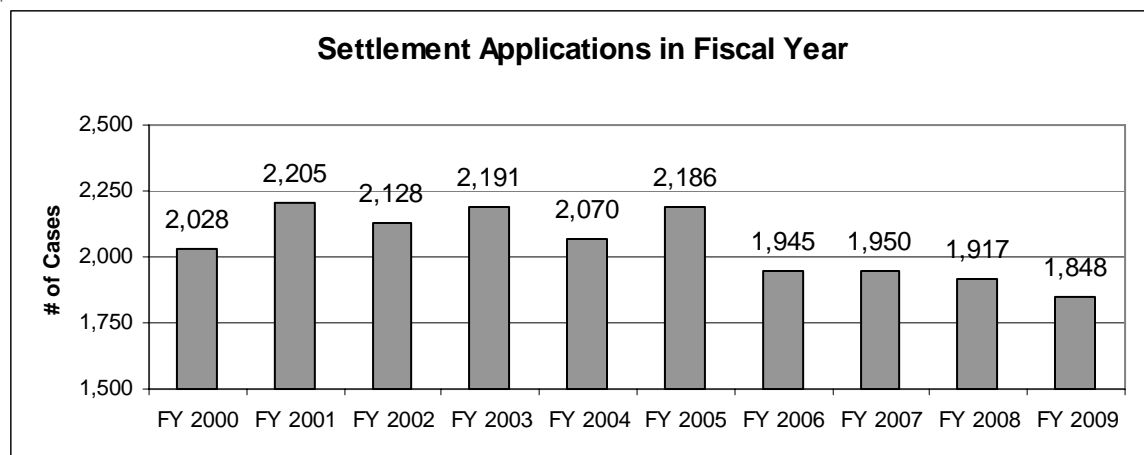
Summary of Settlements

Fiscal Year ¹	** 2009	* 2008	2007	2006	2005
Applications					
Applications Pending at Beginning of Fiscal Year	90	79	113	132	111
Applications Made in Fiscal Year	1,848	1,917	1,950	1,945	2,186
Total	1,938	1,996	2,063	2,077	2,297
Dispositions					
Applications Approved Without Litigation	1,048	1,109	1,093	1,125	1,256
Applications Approved at the Original Hearing Level	759	745	821	782	856
Applications Approved at Review Hearing Level	14	10	22	22	26
Applications Approved at the Sup. Ct./Crt. App. Level	2	1	6	2	4
Applications — Total Approved	1,823	1,865	1,942	1,931	2,142
Applications — Total Disapproved	28	41	42	43	23
Total	1,851	1,906	1,984	1,974	2,165
Applications Pending at End of Fiscal Year	87	90	79	103	132

¹ Fiscal years run from July 1 through June 30.

* Numbers may differ from those shown in the FY 2008 Annual Report due to corrections to data.

** Numbers include only settlement applications reviewed by the court. In addition, 20 settlement releases were filed with the court in FY 2009 following the passage of LB630, which became effective May 27, 2009.



Legal

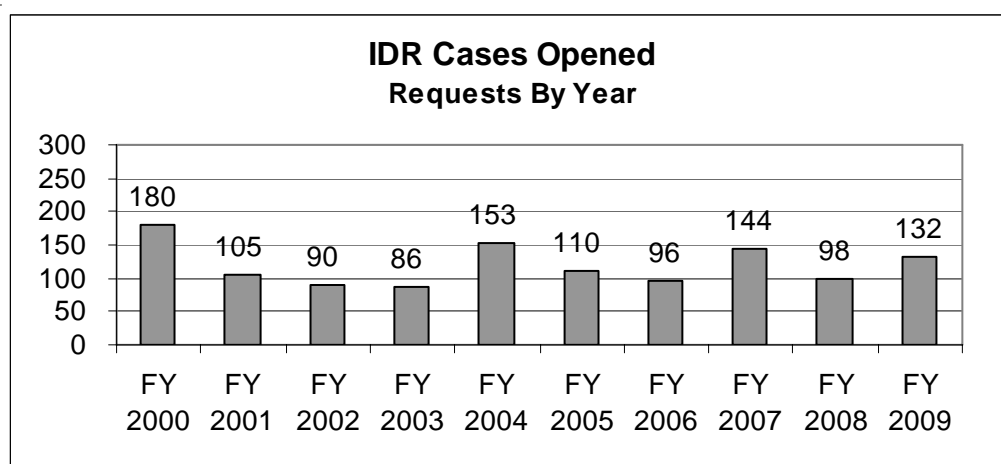
The Legal section of the Nebraska Workers' Compensation Court is responsible for reviewing lump sum settlements, facilitating informal dispute resolution, responding to inquiries from the public, providing legal advice to the court's administrative staff, and monitoring legislation for potential impact on the workers' compensation system. The section includes the court's general counsel, four staff attorneys, and a staff assistant.

Statistics for lump sum settlements processed in FY 2009 (July 1, 2008 through June 30, 2009) are provided on the preceding page. Summaries of the Nebraska Supreme Court and Court of Appeals decisions relating to workers' compensation may be found on the court's web site (http://www.wcc.ne.gov/decision_summaries.htm).

Informal Dispute Resolution

Informal Dispute Resolution (IDR) is available to anyone with an interest in a workers' compensation dispute. The process is voluntary and the guidelines for IDR are found in Rule 48. It provides a dispute resolution mechanism for health care providers, vocational rehabilitation counselors, and others who would otherwise have no standing before the court. Attorneys may participate, but parties to the dispute do not have to be represented. The court may also order IDR, and disputes involving a change in the treating physician must be submitted for IDR before a motion or petition can be filed. IDR is attempted in all litigated cases in which a party is unrepresented.

The court's IDR process focuses on interest-based mediation. This means that one of the court's professionally trained attorney-mediators assists the parties in reaching a resolution of the dispute that satisfies the underlying interests of the parties. The mediator does not make decisions nor evaluate the case on behalf of either party. Mediation can be an empowering process because it allows the participants to decide the outcome rather than an arbitrator or judge. Many IDR inquiries can be resolved without the need for a mediation conference simply through information and education provided by the mediation coordinator.



Mediation conferences are conducted by the section's staff attorneys. All of the attorney-mediators are trained in the basic skills of mediation through a nationally recognized 30-hour training program through the Office of Dispute Resolution in Lincoln, Nebraska. Advancement of mediation skills is encouraged, and as opportunities arise the mediators receive additional training.

Closed Cases

All IDR requests are evaluated to determine whether the issues are appropriate for IDR under workers' compensation laws and rules. Sometimes they are not. In nine of the 123 cases closed in FY 2009, the parties also came to an agreement while still in the intake process with communication facilitated by court staff. Mediation through the court is voluntary. In 81 cases, or 65.8 percent of all closed cases, at least one party declined to participate or did not respond to the request. Cases may be closed for a variety of other reasons as shown in the following table.

IDR Cases Closed	
Party(s) Did Not Consent	71
Full Agreement	14
No Response by Party(s)	10
Withdrawn/Resolved by Parties	9
Inappropriate For Mediation	6
No Agreement	5
Partial Agreement	4
Withdrawn/Petition Filed	3
Withdrawn/Plaintiff Represented	1
Total Closed in FY 2009	123

Mediated Cases

Of the 123 cases closed in FY 2009, 23 met in a mediation conference either in person or over the telephone. Of these mediated cases, 18 (78.3 percent) reached full or partial agreement.

Outcome of Mediated Cases	
Full Agreement	14
No Agreement	5
Partial Agreement	4
Total Mediated in FY 2009	23

Coverage and Claims

This section includes a manager, a workers' compensation auditor, two compliance examiners, a program resource specialist, and two program assistants. Section responsibilities are divided into three categories: medical services, compliance, and self-insurance.

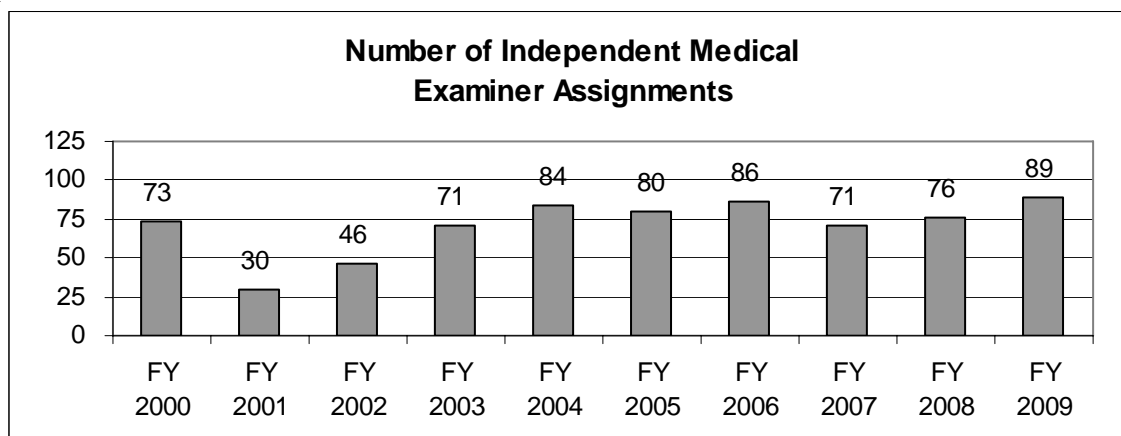
Medical Services Activities

Section staff respond to inquiries from a variety of sources concerning the application and use of the various medical and hospital fee schedules, the Independent Medical Examiner (IME) program, managed care, the choice of physician rule, and other questions relating to medical, surgical, and hospital services under the Nebraska Workers' Compensation Act.

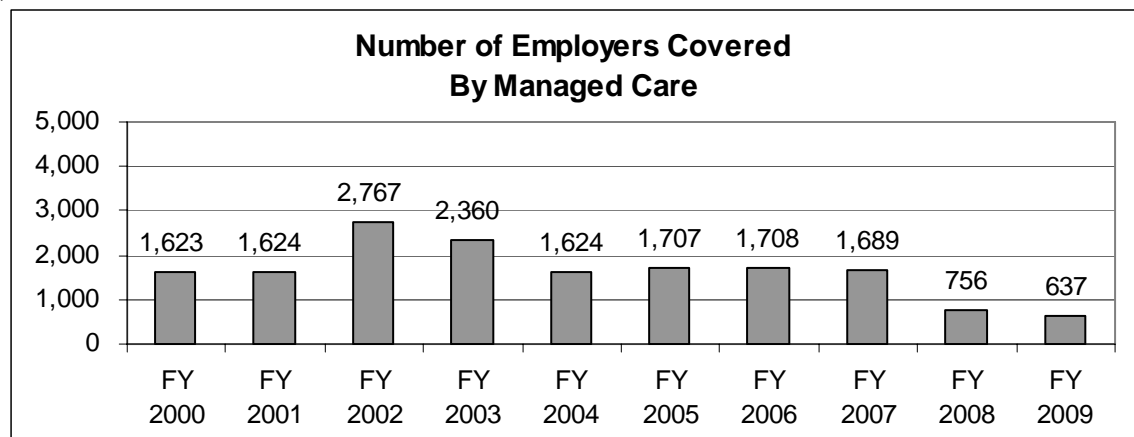
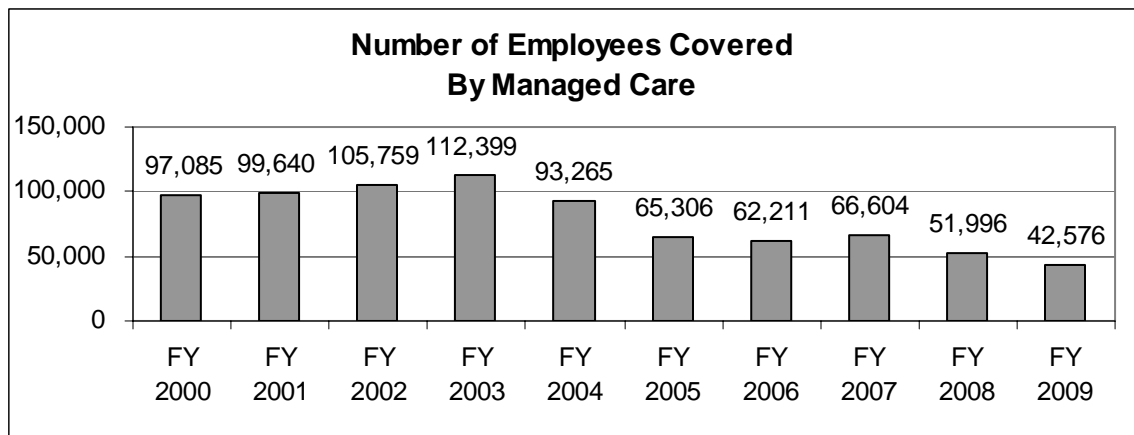
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an IME. The IME system was designed to give the parties an additional means of resolving disputes outside the judicial process.

To serve as an IME for the court, physicians must complete an application and be approved by the judges of the court. Currently there are 141 physicians on the court's list of IMEs.

During FY 2009, 89 IME cases were opened. Sixty-three requests for assignment of a physician were filed by an attorney representing an injured employee, one was requested by an unrepresented employee, 23 were submitted by a workers' compensation insurer or the insurer's attorney, and two were ordered by a judge of the court. Two of the IME requests were conducted by physicians agreed upon by the parties. The following chart shows assignments during the course of the last 10 years.



A table showing current information about managed care plans certified for workers' compensation is available on the court's web site (<http://www.wcc.ne.gov/medical/mcp.pdf>). On June 30, 2009 there were 637 employers and 42,576 employees covered by the certified managed care plans. Bar graphs on the following page show the trend in covered employers and employees.



Compliance Activities

One of the primary enforcement activities of the section is to identify employers who do not have insurance coverage as required under the Nebraska Workers' Compensation Act. The section sent 3,476 informational letters to new corporations registering with the Secretary of State during FY 2009. The letters resulted in 184 employers obtaining the required coverage.

Section staff also monitor the court's electronic proof of coverage information for employers whose coverage has been cancelled or non-renewed. When an uninsured employer is identified, compliance examiners first attempt to bring the employer into compliance. If the efforts of the staff do not result in compliance, the case is then referred to the Attorney General's office for further action. During FY 2009, letters were sent to 3,979 employers and 137 employers were brought into compliance as a result of the effort.

Workers' compensation insurers, risk management pools, and self-insured employers are also required to comply with obligations under the Act, including the obligation to report injuries and payments in accordance with the Act and the court's Rules of Procedure. Coverage and Claims staff enforce those reporting requirements, requesting missing injury reports and monitoring for their receipt, clarifying discrepancies on existing reports and obtaining missing information.

Compliance examiners respond to a large volume of phone inquiries from a variety of sources and on a variety of topics. Topics frequently addressed include: medical issues, insurer identification and contact information, benefit calculation, payment explanation, delay in receiving benefits, and general rights and obligations. The examiners recorded 630 calls during FY 2009. Often, callers identify situations in which employers are uninsured, injury reports are not being filed, and insurers, employers, or risk management pools are not complying with other obligations under the Act. Staff investigate the specific cases, encourage voluntary compliance, and request appropriate legal action when necessary.

A total of 227 case investigations were opened last fiscal year as a result of the above activities. Nineteen cases were referred to the Attorney General's office for further action.

Self-Insurance Activities

The Coverage and Claims section is responsible for reviewing applications from individual employers to self-insure their workers' compensation liability, determining and collecting fees and assessments, and monitoring the employers' continued ability to meet their financial obligations under the Nebraska Workers' Compensation Act. Self-insurance privileges are subject to periodic review and renewal. The Coverage and Claims section conducts periodic on-site audits of payroll records. Sixteen such audits were completed in FY 2009.

At the beginning of each calendar year, the court calculates and collects from employers self-insured for the prior calendar year the necessary assessments for the state's General Fund, the Compensation Court Cash Fund, and the Workers' Compensation Trust Fund. The assessments are based on the number and classification of employees, payroll, and benefits paid during the previous calendar year. Additional assessments are made for carrying out the Insurance Fraud Act. Because much of the information about self-insurers in Nebraska is kept on a calendar year basis, the statistics reported do not always coincide with the end of the court's fiscal year. It is important to note this distinction in the tables that follow. As of June 30, 2009 there were 44 employers approved for self-insurance. For calendar year 2009 assessment purposes, there were 50 self-insurers (employers who were self-insured for all or part of calendar year 2008). The State of Nebraska is self-insured by statute and is not included in any of the statistics that follow.

Self-Insured Status By Major Industrial Division

Manufacturing	12
Services	9
Transportation & Public Utilities	8
Government	6
Retail	4
Wholesale	3
Insurance	2
Total Self-Insurers as of 6/30/2009	44

Self-Insurance Status By Calendar Year

Calendar Year	# of Self-Insurers	# of Employees	Gross Payroll
2008	50	161,078	\$4,759,616,035
2007	49	154,501	\$4,511,207,864
2006	52	135,084	\$4,356,488,485
2005	54	129,940	\$4,279,963,006
2004	51	124,762	\$4,038,916,419
2003	52	135,670	\$3,932,199,098
2002	58	135,904	\$3,961,076,218
2001	62	139,419	\$3,914,599,183
2000	62	148,113	\$3,785,487,567
1999	64	136,136	\$3,785,362,521

Note: 2009 figures not available at time of publication.

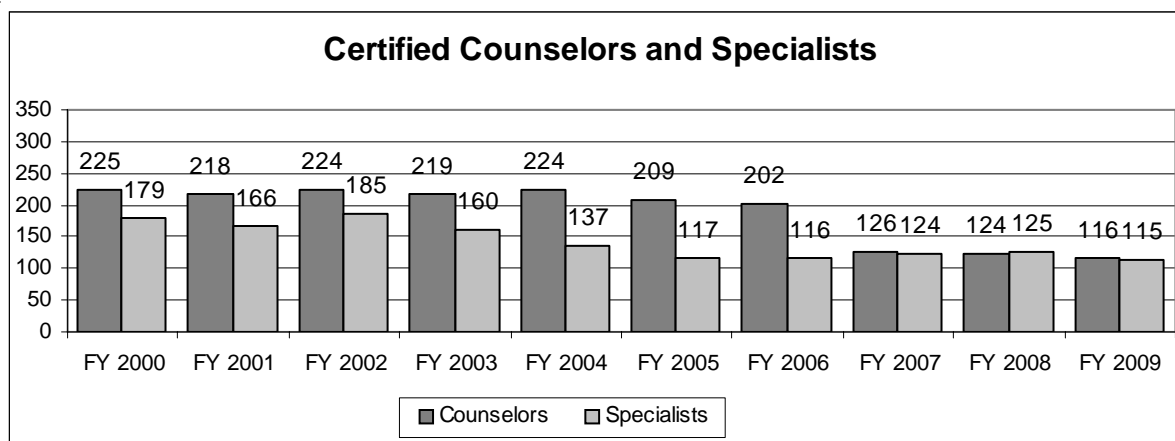
Vocational Rehabilitation

A manager, three vocational rehabilitation specialists, and two support staff are responsible for duties associated with vocational rehabilitation services to which an employee may be entitled under the Nebraska Workers' Compensation Act. The goal of vocational rehabilitation is to return an injured worker to suitable, gainful employment after an injury covered under the Act. A wide variety of services are available under the Act, from coordinating return to the pre-injury job with the employer to a period of formal training.

The duties of the section can be divided into three broad categories: certifying vocational rehabilitation counselors and job placement specialists, appointing counselors when parties cannot agree, and reviewing, approving, and monitoring vocational rehabilitation plans.

Certification of Counselors and Specialists

Vocational rehabilitation services under the Act can only be provided by individuals who have been certified by the court. Rules 39–41 contain the requirements for certification. On June 30, 2009 there were 116 private vocational rehabilitation counselors and 115 job placement specialists certified by the court. There are 54 certified private vocational rehabilitation counselors located in Nebraska.



Appointment of Counselors

When an injured worker claims entitlement to vocational rehabilitation services, the employee and the employer (or the employer's workers' compensation insurer) must try to agree on a vocational rehabilitation counselor to evaluate the employee and provide needed services. If they cannot agree, one of them can ask the court to appoint a counselor from the directory. If notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, a vocational rehabilitation case is established. Of the 563 cases opened in FY 2009, the court appointed 285 counselors from its directory and the parties were able to agree upon a counselor in 274 cases. Four other cases were opened and closed before a counselor was agreed to or appointed.

At the end of FY 2009 (June 30, 2009) there were 734 open vocational rehabilitation cases. A total of 606 cases were closed for a variety of reasons during FY 2009 (training completed, employee returned to work, claim settled, etc.).

Vocational Rehabilitation Plans

Once it is determined that an employee may be entitled to vocational rehabilitation services in order to return to suitable, gainful employment the employee is evaluated and, if necessary, a vocational rehabilitation plan is developed. The level of services to be provided is based on a hierarchy outlined in Section 48-162.01 of the Nebraska Workers' Compensation Act. These services range from coordinating a return to the pre-injury job with the pre-injury employer to a plan of formal training.

A vocational rehabilitation plan of some type is involved in many of the cases monitored by the section. The following chart shows the number and type of plans closed during FY 2009. A total of 248 plans had start dates in FY 2009 and currently there are 196 plans being monitored on open cases.

Type of Vocational Plan	
Job Placement	125
Associate Degree	75
General Education Diploma (GED)	20
Certificate/Other Training	16
English as Second Language (ESL)	15
Bachelor's or Other Advanced Degree	3
On-The-Job Training (OJT)	2
Seminar/Remedial	1
Total Vocational Plans Closed in FY 2009	257

When an employee is in a court-approved vocational rehabilitation plan, the following costs are paid by the Workers' Compensation Trust Fund administered by the court: tuition, books, tools, other appropriate fees and costs, and board, lodging, and/or travel in some circumstances. In addition, salaries, other benefits, and expenses incurred by the court for the purposes of administering the vocational rehabilitation program are paid from the Compensation Court Cash Fund. Total disbursements from the trust and cash funds for vocational rehabilitation purposes are shown in Section 1, page 12 of this Annual Report.

Vocational rehabilitation counselor fees for the evaluation of the employee, development and implementation of a vocational rehabilitation plan, and preparation of a loss of earning power evaluation are paid by the employer or workers' compensation insurer. This also includes charges by job placement specialists or interpreters, if necessary. The employer or insurer is also responsible for temporary disability benefits while the employee is undergoing vocational rehabilitation.

Public Information

The court's Public Information section exists for three purposes.

- To educate the public regarding Nebraska workers' compensation law and procedural rules. Public Information staff respond to inquiries received on the court's toll-free information line and e-mail help desk, and also disseminate information by means of the court's web site, publications, workshops, and seminars. Injured employees are also notified upon the filing of a first report of injury of basic information regarding their rights and obligations under the workers' compensation system.
- To provide access to public records maintained by the court.
- To process and analyze injury and payment reports filed electronically and on paper by the court's trading partners, including insurers, risk management pools, and self insured employers. Public Information staff also administer access to a secure Internet claims search application to assist trading partners in complying with their reporting responsibilities.

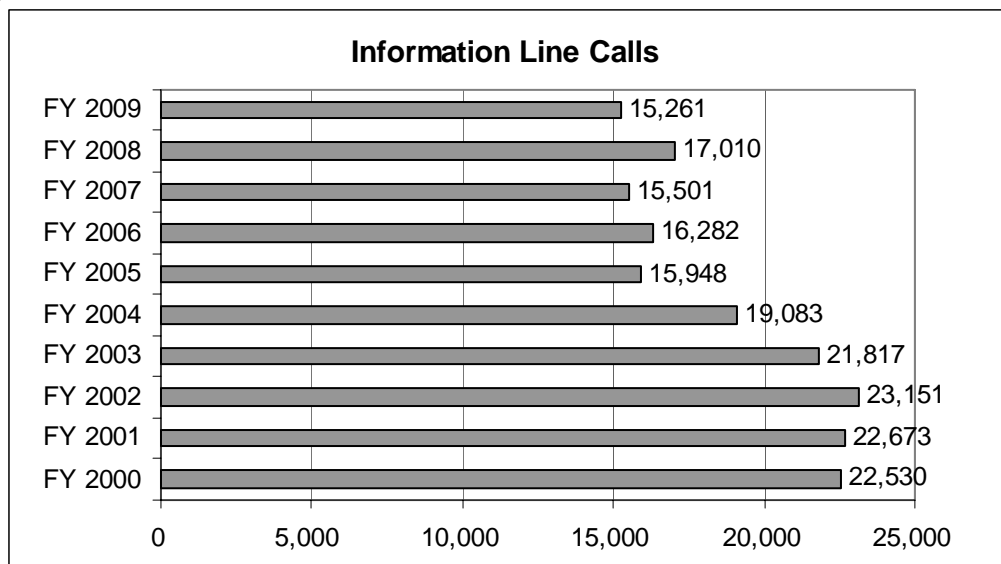
Providing these services requires six full-time staff members: a manager, a public information officer, a data quality assurance analyst, a public information technician, a receptionist/secretary, and an office clerk.

Education

Information Line

The court's toll-free information line enables the court to serve the public more efficiently and saves the cost of long-distance calling. Public information staff assist callers from 8:00 a.m. to 5:00 p.m, Monday through Friday. After hours and during weekends and holidays callers may leave a message and a staff member will return the call on the next working day. AT&T's Language Line provides language translation services when required.

Section staff provide answers to commonly asked questions or research inquiries for a response, usually within 24 hours. Calls can also be transferred to other sections of the court for more information. Court staff do not provide opinions or legal advice.



The information line received 15,261 calls in FY 2009, an average of 293.5 calls per week or 61.5 calls per working day. This is a 10.3 percent decrease from FY 2008. Calls come from employees, employers, attorneys, insurers, medical and vocational rehabilitation providers, and others in Nebraska and throughout the nation.

The court's automated mailing service, which notifies employees of injury reports filed with the court, resulted in 627 calls to the information line in FY 2009. However, increased use of the court's web site and e-mail help desk appear to have contributed to an overall decrease in calls during the past decade.

Web site

Public Information staff develop and maintain the court's web site (<http://www.wcc.ne.gov/>), which has been steadily upgraded since its inception in 1996 to better serve the public and make use of ever-improving technology:

- The web site is designed to maximize readability in any web browser, at any screen resolution (including internet-enabled handheld devices, such as cellular telephones and portable digital assistants).
- A number of useful applications are available: a coverage look-up application (which allows the public to search for workers' compensation insurance for a particular employer on a particular date), a records request form, a searchable database of court decisions and orders, benefit calculators, and a Google search engine.
- A Really Simple Syndication (RSS) news feed makes the latest court news available in a variety of formats. The public may view the news feed directly on our web site, subscribe to receive news broadcasts into their RSS news readers (aggregators), or follow court news using Twitter, a web-based social networking tool (http://twitter.com/NE_WCC).
- The court's publications and forms are available in portable document format (PDF) and may be downloaded at no charge from the web site.
- The web site meets or exceeds all Section 508 Accessibility Guidelines.

The following statistics are provided by our server host, Nebraska.gov, and do not include hits to our site from State of Nebraska governmental agencies.

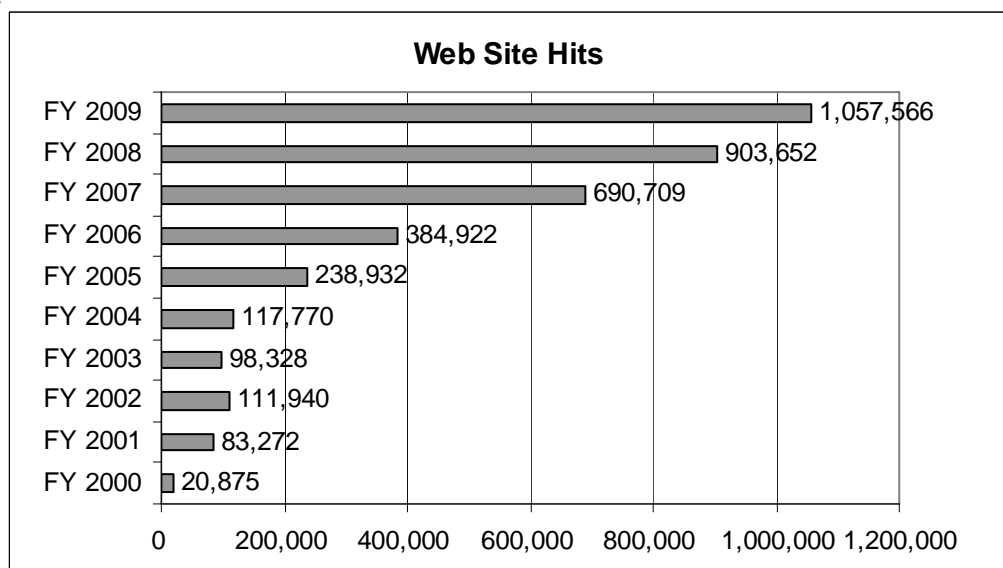
The web site received 1,057,566 hits in FY 2009, a 17 percent increase from FY 2008. The public accessed the following five areas of the web site most often in FY 2009:

1. The **News Feed** had 537,394 hits (50.8 percent of all hits).
2. The **Medical section** had a combined total of 94,355 hits (8.9 percent of all hits). Of these, the Fee Schedules (for Medical Services, Hospitals and Ambulatory Surgical Centers, and Implantable Medical Devices, as well as the Diagnostic Related Group Inpatient Hospital Fee Schedule) had a combined total of 81,338 hits (7.7 percent of all hits).
3. The **Legal section** had a combined total of 93,496 hits (8.8 percent of all hits). Of these, the Rules of Procedure had 33,658 hits (3.2 percent of all hits).
4. The **Vocational Rehabilitation** section, had a combined total of 50,265 hits (4.8 percent of all hits).

5. The **Hearings and Decisions** section had a combined total of 46,217 hits (4.4 percent of all hits).

Other web site activity in FY 2009 included requests for information and services that were transmitted to the court's e-mail help desk from the site's secure electronic forms. Not including requests for records, which are addressed on Page 30, Public Information staff responded to 2,233 such requests.

In the chart that follows, please note that total hits for FY 2003 through FY 2007 are higher than those shown in previous Annual Reports due to corrections to data.



Publications

The Public Information section produces and maintains an inventory of court publications. Public Information staff work with other sections of the court to assist with issues of content, editing and style. After design and layout tasks are performed, Public Information staff deliver the finished documents for printing and publish them on the court web site.

The section also produces and maintains a number of forms used for insurance coverage, medical and vocational rehabilitation purposes, reporting workers' compensation injuries and payments, and requesting records.

A complete listing of available publications and forms may be found on the court web site (<http://www.wcc.ne.gov/publications.htm>).

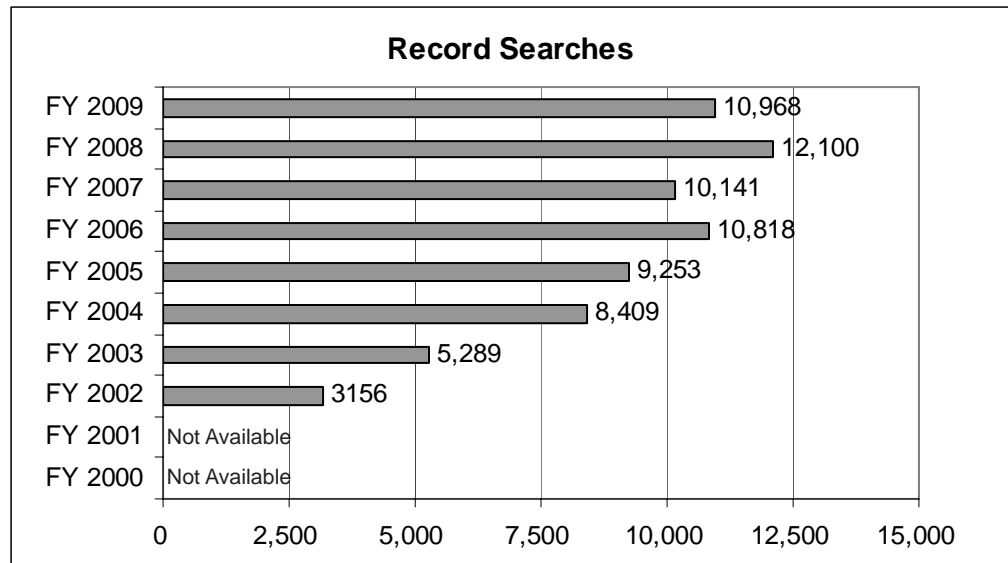
Workshops and Seminars

Public Information staff assist with planning, preparing, and conducting informational workshops and seminars presented by the court. During FY 2009, court staff have presented information to 200 people in three workshops and seminars.

Record Searches

One of the most common requests from the public are for record searches regarding injuries to an individual employee. Public Information staff fulfilled 10,968 requests for

such records in FY 2009, a 9.4 percent decrease from FY 2008. The majority of these requests were fulfilled by means of electronic mail or electronic fax. Five-year searches of first and subsequent reports are fulfilled at no charge if sufficient information is provided to promptly identify the records. Public Information staff fulfill most record requests within four business days.



Data Processing and Analysis

Public Information staff processed 56,288 first reports and 86,958 subsequent reports in FY 2009. At the time of publication, 99.7 percent of all first reports and 99.8 percent of all subsequent reports are filed electronically using Electronic Data Interchange (EDI). Public Information staff process the electronic reports and also code and manually enter the remaining paper reports. Once processed, the data quality assurance analyst examines and maintains the data for statistical purposes. Section staff maintain a database of court-approved EDI trading partners to assist with data quality assurance duties.

Public information staff also administer access to a secure Internet application, hosted by the Office of the Nebraska Chief Information Officer on the “MyNebraska” Portal. The “WCC — Search Claims” application is available to help the court’s trading partners to file accurate subsequent reports by providing them with access to basic claims information. Section staff maintain a database of court-approved application users and provide basic troubleshooting services when problems arise. At the time of publication, 218 external users from 63 of the court’s 171 trading partners are approved for access to this application.

Information Technology

The Information Technology (IT) section of the Nebraska Workers' Compensation Court is responsible for the administration and maintenance of the court's computer systems and network. This includes the court's databases relating to reports of injury, benefit payments, vocational rehabilitation, and adjudication, which are maintained in Oracle. The court has implemented systems for exchanging information through Electronic Data Interchange (EDI). The court also takes advantage of Internet access to Secretary of State information related to corporation and business records. Providing these services requires a manager/database administrator, three full-time developers, and two full-time infrastructure staff members.

Fiscal Year Activities

Ending June 30, 2008, the court completed its 12th full year of managing data on its client/server system, which utilizes an Oracle database. The database currently contains 13 full years' worth of information, going back to calendar year 1996 for reports of injury. Historical injury-related information is also maintained for purposes of performing cross-year statistical analysis. During the 12-year time frame the section has developed and maintains over 500 program units in Oracle Forms/Reports, Micro Focus Cobol, and Embarcadero/CodeGear Delphi. During this fiscal year the court switched over to Microsoft Visual Studio for both client-based applications and ASP.NET internet applications. The section also provides support for an Oracle adhoc reporting tool used by 22 court staff members for producing reports and data extracts from the database.

The court has set a goal of being "paperless" in its operations, and the court information technology plan and court strategic plan are structured to achieve that goal. The section has been implementing technology to this end. During the fiscal year continued with its efforts to implement its first application based upon BizFlow, a Workflow/Business Process Management (BPM) system. The HandySoft BizFlow BPM will be combined with Oracle and "DOT.NET" technologies to create re-engineered lines of business systems to meet the goal of a "paperless" court.

During the year, the court migrated electronic mail and calendar from Lotus Notes-Domino to Outlook-Exchange. Because Lotus Notes was also utilized for a number of other applications, the court began the work of either developing replacement applications or procuring new systems to provide similar functionality. The court has a goal of decommissioning its Lotus Notes-Domino environment by December of 2010.

The court completed the first phase work on internal lump sum settlement re-engineering. The Legal section of the court now has an electronic document system. Integrated message composition functionality will be completed early in the next fiscal year.

Electronic filing efforts have begun. The first area being addressed is Adjudication filings, specifically the Application for Lump Sum Settlement. The court continues the Lump Sum Settlement Electronic Filing Project that was started in the previous fiscal year. That project directly includes outside stakeholders such as attorney offices in the analysis, design, and testing efforts. The first phase of that project will deliver centralized electronic drafting functionality that will standardize the application and create consistency

of information provided. The system will provide authenticated access to court information such as dockets and injury reports to assist in preparation of the application.

Utilizing the virtualized servers hosted on the court's Blade Servers and the Office of the Chief Information Officer's Storage Area Network (SAN) infrastructure, the court has been able to implement and manage over 35 virtual servers without adding server hardware technology. This environment has allowed us to implement development, testing, and production environments for BizFlow and several other applications.

The Internet-based Diagnostic Related Group Hospital Fee Schedule system developed the previous year required additional enhancement this fiscal year. The system is used for the annual electronic submission of the reports from hospitals, workers' compensation insurers, self-insured employers, and risk management pools for purposes of the annual update of the fee schedule.

Nebraska Occupational Injury and Illness Survey — 2008

Occupational Safety and Health Act

The Occupational Safety and Health Act of 1970 (OSHA) became an official part of the nation's labor laws in 1971. With its passage, Congress declared its intent “. . . to assure as far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.”

Under this Act, employers are required to keep records of all work-related deaths, any diagnosed occupational illnesses and any occupational injuries which involve loss of consciousness, restriction of work or motion, transfer to another job, or requires medical treatment beyond first aid. Employers with more than 10 workers are required to maintain a log (OSHA No. 300), a summary of occupational injuries and illnesses (OSHA No. 300A), and a supplementary record (OSHA No. 301)¹ of each occurrence within the calendar year. These records are retained at the work site for five years and must be available for inspection by representatives of the U.S. Department of Labor and the U.S. Department of Health and Human Services. Employers with less than 11 employees and those employers who conduct business in one of the low hazard industries specified by OSHA are generally exempt from these recordkeeping requirements unless they are notified of the necessity to maintain these records for a given year for statistical purposes.

2008 Occupational Injury and Illness Survey

In order to measure and evaluate the efforts in reducing work-related injuries and illnesses, a standardized system to collect, compile and analyze the health and safety statistics was established and implemented. This standardized system enables data users to identify those industries that need improvement, furthers monitoring and education programs, and allows employers to compare their incidence rates with other employers in the same industry.

The Nebraska Workers' Compensation Court has cooperated with the U.S. Department of Labor and the Bureau of Labor Statistics since 1971 in conducting an annual survey of Nebraska employers which has provided these essential work injury and illness statistics. Beginning with the 2008 survey, local and state government units in addition to private sector were surveyed. The 2008 sample surveyed 3,918 employing units in the state. Since government units are not required to keep OSHA records in Nebraska, the statistics for this population were not published for Nebraska, but are included in the United States statistics.

Note on industry and occupation classifications: Beginning with the 2003 reference year, the Occupational Injury and Illness Survey began using the 2002 North American Industry Classification System (NAICS) for industries and the Standard Occupational Classification (SOC) system for occupations. Prior to 2003, the program used the Standard Industrial Classification (SIC) system and the Bureau of the Census occupational classification system. Because of the substantial differences between the current and

previous systems, the results by industry and occupation in 2003 constitute a break in series, and users are advised against making comparisons between the 2003 industry and occupation categories and the results for previous years.

Information regarding the survey and the results of the Occupational Injury and Illness Survey for 2008 is available on the court's web site (<http://www.wcc.ne.gov/publications/osh-cfoi.htm>).

¹In the State of Nebraska the Workers' Compensation Form 1 — First Report of Alleged Occupational Injury or Illness, may be used in place of the OSHA No. 301 form.

Census of Fatal Occupational Injuries (CFOI) — 2008

The Census of Fatal Occupational Injuries (CFOI) Program was developed by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) to provide a timely and accessible census of work-related fatalities. The CFOI program is a federal/state cooperative program. In Nebraska, CFOI is conducted by the Nebraska Workers' Compensation Court. This is the 17th year that CFOI has been conducted in all 50 states and the District of Columbia.

2008 Census of Fatal Occupational Injuries

CFOI 2008 used multiple data sources including death certificates, workers' compensation reports, medical examiner reports, and other available federal and state administrative records, to compile a complete, verifiable count of Nebraska fatal workplace injuries. The census covers all traumatic occupational fatalities, including those resulting from injuries to the self-employed, laborers on small farms, government workers, and others too difficult to identify from a single data source.

Besides comprehensive counts of fatal work injuries, the 2008 census provides information on the demographic characteristics of the deceased workers (including age, gender, and race), the occupations and industries the decedents worked in and the circumstances of their tragedies. This wealth of information on hazards in Nebraska workplaces yields vital insights to aid in preventing future workplace fatalities. Safety and health researchers are able to study patterns of fatal work injuries, identify hazardous activities and equipment, and alert workers to these dangers.

2008 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 53 fatal workplace injuries during 2008, down from 63 the previous year. Other findings of the census include:

- The leading fatal event was transportation incidents, accounting for 21 (40 percent) of fatal occupational injuries in 2008. Contact with objects and equipment followed with 12 (23 percent) and falls contributed to nine deaths (17 percent).
- Among industry groups, the largest number of fatal work injuries was in natural resources and mining with 20 (38 percent). Trade, transportation, and utilities followed with 11 fatalities (21 percent). Construction had nine deaths (17 percent).
- Fourteen (26 percent) of those fatally injured were 65 years and older. Two age groups had 11 fatalities each: 45 – 54 years (21 percent) and 55 – 64 years (21 percent).
- Forty-six (87 percent) of those fatally injured were white, non-Hispanic.
- Fifty (94 percent) of those fatally injured were men.

-
- Thirty-one (58 percent) of those fatally injured were wage and salary workers. The remainder of those fatally injured were self-employed.

Information regarding the census and the results of the Census of Fatal Occupational Injuries 2008 is available on the court's web site (<http://www.wcc.ne.gov/publications/osh-cfoi.htm>).